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*Note: service of all notices and filings should also be made by email
in accordance with the creditor's Request for Special Notice

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

In re: TAANEN, LP Debtor.	Case No. 19-24016 (Chapter 7) Adversary Proceeding No. 19-02105 Hon. R. Kimball Mosier [Proposed] ORDER QUASHING SUBPOENA AND PROTECTING INFORMATION FROM DISCLOSURE
Taanen, LP, Plaintiff, vs. Michiko Stehrenberger, Francine Yeh, and Ken Hsieh, Defendants.	

This matter came before the Court on the creditor Michiko Stehrenberger's *Objections to Debtor's Subpoena upon former Chapter 7 Trustee J. Kevin Bird; Motion to Quash; Motion for Protective Order*. This Court has jurisdiction over this core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A), (K) and (O), and 1334(b). Based on the Motion,

IT IS HEREBY ORDERED that the debtor's subpoena seeking "All communications, in whatever form, with Michiko Stehrenberger. All notes of conversations with Michiko

Stehrenberger" from former Chapter 7 Trustee Mr. J. Kevin Bird is quashed on the basis that it impermissibly seeks information outside the relevancy scope allowed by Fed. R. Bankr. P. 2004(b) and Fed. R. Civ. P. 26(b)(1)(as made applicable via Fed. R. Bankr. P. 7026) because the request for information seeks information that is neither reasonably related to "only to the acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge. . . ." under FRBP 2004(b) or related to "any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case" underFRCP 26(b)(1).

It is further ORDERED that the debtor's subpoena is quashed because any such communications between a Chapter 7 Trustee (or in this case, a former Chapter 7 Trustee) and a creditor in the case are presumed to be confidential information related to the Trustee's (or former Trustee's) fiduciary duties to investigate matters and develop an appropriate strategy for the administration of the the debtor's estate with regard to any fraudulent conduct by the debtor without risk of undue interference by the debtor into the nascent stages of any such investigation that may be passed along to the successor Trustee in furtherance of the Chapter 7 Trustee's duties in this case,

It is further ORDERED that the debtor's subpoena is quashed on procedural grounds because the debtor failed to comply with the meet and confer precondition under Fed. R. Civ. P. 26(d)(1) and (f) regarding the substance of the information sought for this subpoena, and the form of the subpoena is improper in light of the debtor having not yet served any summons or adversary complaint related to the adversary case under which the debtor seeks the information through this subpoena.

It is further ORDERED that the Trustees, former Trustees, and any listed creditors or

other parties in this case are protected from being required to disclose any communications that may have been exchanged between any Trustee and creditor in this case, and shall not be required to do so in response to any subpoena from the debtor.

SO ORDERED.

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DESIGNATION OF PARTIES TO RECEIVE NOTICE OF COURT ORDER

Service of the foregoing Order Granting Relief from Stay shall be served on the parties in the manner designated below:

By Electronic Service: I certify that the parties of record in this case as identified below, are registered CM/ECF users:

1. Chapter 7 Trustee Mr. Philip Jones, at Trustee@Theo7.com
2. Former Chapter 7 Trustee, Mr. J. Kevin Bird, jkevinbird@birdfugal.com
3. U.S. Trustee, at USTPRegion19.SK.ECF@usdoj.gov
4. Mr. Chris Andrus, counsel for debtor Star Mountain Enterprises, LLC, at: chrisandrusjd@yahoo.com, chrisandrusjd@gmail.com
5. Ms. Michiko Stehrenberger, creditor pro se, document.request@gmail.com

By U.S. Mail: In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed. R. Civ. P. 5(b):

1. Former Chapter 7 Trustee, Mr. J. Kevin Bird, Bird & Fugal 384 East 720 South Suite 201 Orem, UT 84058
2. Ms. Michiko Stehrenberger, 1990 Knoll Drive, Unit B, Ventura CA 93003 **preferred notice is by email to: document.request@gmail.com (listed creditor)
3. Francine Yeh and Ken Hsieh, c/o 346 N 500 E, Provo, UT 84606 (listed creditors)
4. U.S. Bank – Legal Department, 25 Walnut Street, Cincinnati, OH 45202 (listed creditor)